

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION

3:00CV610-1-V

3:98CR126-V

MARK W. THIBEAU,)
)
 Petitioner,)
)
 v.)
)
 UNITED STATES OF AMERICA,)
)
 Respondent.)
 _____)

ORDER

THIS MATTER comes before the Court upon the Petitioner's Motion for Reconsideration, filed December 2, 2005.

On December 6, 2000, Petitioner filed a Motion to Vacate alleging three claims. On January 25, 2001, the Court ordered the Government to respond to Petitioner's involuntary guilty plea claim and dismissed Petitioner's defective indictment and erroneous enhancement claims. On May 23, 2002, this Court dismissed Petitioner's remaining claim. On October 21, 2005, Petitioner filed a Motion for Reconsideration pursuant to Rule 60(b) that was denied on November 3, 2005. Approximately one month later Petitioner filed the present motion asking this Court to reconsider its denial of his October Motion to Reconsider. Then on December 28, 2005, Petitioner appealed this Court's denial of his October Motion to Reconsider. On May 22, 2006, the United States Court of Appeals for the Fourth Circuit denied Petitioner's appeal. In light of the Fourth Circuit's decision upholding this Court's denial of Petitioner's first Motion to Reconsider Petitioner's present motion asking this Court to reconsider the denial of his first Motion to Reconsider is denied.

THEREFORE, IT IS HEREBY ORDERED that Petitioner's Motion to Reconsider
(Doc. # 17) is **DENIED**.

Signed: November 8, 2006

A handwritten signature in black ink, reading "Richard L. Voorhees", written over a horizontal line.

Richard L. Voorhees
United States District Judge



